

1 Peter J. Mastan, Trustee
peter.mastan@dinsmore.com
2 550 S. Hope St., Suite 1765
Los Angeles, California 90071
3 Telephone: 213-335-7737

4 Chapter 7 Trustee of the Bankruptcy Estate
of Michael Zeledon
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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **LOS ANGELES DIVISION**

11 In re:

12
13 MICHAEL ZELEDON,

14 Debtor(s).
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Case No. 2:23-bk-16320-DS

Chapter 7

**NOTICE OF HEARING ON MOTION
TO APPROVE ASSIGNMENT
AGREEMENT BETWEEN THE
TRUSTEE AND THE DEBTOR FOR
THE TRUSTEE'S CONVEYANCE OF
THE ESTATE'S INTEREST IN 2017
HONDA PILOT**

19 Date: April 18, 2024
Time: 11:30 a.m.
20 Ctrm: Courtroom 1639
255 E. Temple Street
Los Angeles, CA 90012
21 Judge: Hon. Deborah J. Saltzman
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1 **TO THE HONORABLE DEBORAH J. SALTZMAN, UNITED STATES BANKRUPTCY**
2 **JUDGE, THE DEBTOR, THE OFFICE OF THE UNITED STATES TRUSTEE, ALL**
3 **SCHEDULED CREDITORS OF THE ESTATE, ALL OTHER INTERESTED PARTIES;**
4 **AND THEIR RESPECTIVE COUNSEL OF RECORD, IF ANY:**

5 **NOTICE IS HEREBY GIVEN** that, on April 18, 2024, on the 11:30 a.m. calendar, in
6 Courtroom 1639 of the United States Bankruptcy Court located at 255 E. Temple Street, Los
7 Angeles, California 90012, the Honorable Deborah J. Saltzman, United States Bankruptcy Judge,
8 will conduct a hearing on the “Motion To Approve Assignment Agreement between the Trustee
9 and the Debtor for the Trustee’s Conveyance of the Estate’s Interest in 2017 Honda Pilot” (the
10 “Motion”) filed by Peter J. Mastan, Chapter 7 trustee (the “Trustee”) of the bankruptcy estate (the
11 “Estate”) of Michael Zeledon (the “Debtor”). Through the Motion, the Trustee seeks an order that
12 does each of the following:

13 (1) Approves the Assignment Agreement (the “Agreement”) attached to the Motion as
14 **Exhibit 1.**

15 (2) Authorizes the Trustee to make the assignment of the Estate’s interest in the vehicle
16 described as 2017 Honda Pilot (VIN 5FNYP5H33HB019474) (the “Vehicle”) and determines that
17 the assignment is made on an “AS IS” and “WHERE IS” basis, subject to all existing
18 encumbrances, liens, claims and restrictions thereon, if any.

19 (3) Determines that the Agreement was made in good faith in an arm’s-length
20 transaction and that the assignee of the Estate’s interest in the Vehicle (whether the Debtor or a
21 successful overbidder) is acting in good faith within the meaning of 11 U.S.C. § 363(m).

22 (4) Determines that adequate notice of the Motion was given.

23 (5) Authorizes the Trustee to perform the terms of the Agreement and to sign all such
24 documents that are reasonably necessary to perform the Trustee’s obligations under the
25 Agreement.

26 (6) Reserves Bankruptcy Court jurisdiction to enforce the Agreement.

27 (7) Approves the following overbid procedure:

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1 **(a)** any initial overbid for an assignment of the Estate's interest in the Vehicle
2 must be in an amount at least \$1,000 greater than the amount to be paid by the Debtor under the
3 Agreement (i.e., in an amount not less than \$9,000.00 plus the amount of the Debtor's \$6,750
4 exemption in the Vehicle for a total of \$15,750);

5 **(b)** in the event that the Trustee receives multiple overbids, any subsequent
6 overbids must be made in Court at the time of the hearing on the Motion and must be made in
7 minimum increments of \$500;

8 **(c)** any overbid must be accompanied by a certified or cashier's check in the
9 full amount of that bid and the successful overbidder must pay to the Trustee by certified or
10 cashier's check the full purchase price at the time of the hearing on the Motion;

11 **(d)** any sale at overbid will be all cash "AS IS," "WHERE IS," subject to all
12 claims, liens, encumbrances, and other interests, with all faults and without any representation or
13 warranty whatsoever, whether express or implied, including without limitation, without warranty
14 as to functionality, merchantability, or fitness for a particular purpose;

15 **(e)** the Trustee may exercise his discretion to reject a particular overbid that is
16 not both higher and better (based upon all of the circumstances) than the Debtor's offer or the
17 offer of other overbidders; and

18 **(f)** any person making an overbid for the Vehicle shall be deemed to have
19 made, on his/her/their own account, each of the representations made by the Debtor to the Trustee
20 as set forth in Paragraph 5 of the Agreement.

21 **(8)** Authorizes the Trustee to close the proposed assignment of the Estate's interest in
22 the Vehicle to the Debtor (or the successful overbidder) unless an appeal of the order authorizing
23 that sale is timely filed and a stay pending appeal is entered.

24 **(9)** Waives the 14-day stay of orders for the disposition of Estate property set forth in
25 Fed.R.Bankr.P. 6004(h).

26 **NOTICE IS FURTHER GIVEN** that the Motion is made pursuant to 11 U.S.C.
27 §§ 363(b) and 363(m), Federal Rules of Bankruptcy Procedure 2002 and 6004, and
28 Local Bankruptcy Rules 6004-1 and 9013-1 on the grounds that the proposed assignment is in the

best interest of the Estate in that it will maximize the value to unsecured creditors of the Estate's interest in the Vehicle.

NOTICE IS FURTHER GIVEN that the Motion is based on (a) this Notice of Hearing; (b) the concurrently filed Notice of Motion and Motion, Memorandum of Points and Authorities, Declaration of Peter J. Mastan, and Exhibits; (c) the pleadings on file with the Court of which the Court is requested to take judicial notice; and (d) such further evidence that may be properly submitted prior to or at any hearing on the Motion. At your own expense, you may obtain a complete copy of the Motion from the Court's file. Alternatively, you may obtain a free, electronic copy of the Motion by contacting Mr. Travis Terry at travis.terry@dinsmore.com and providing to Mr. Terry your email address.

NOTICE IS FURTHER GIVEN that, pursuant to Local Bankruptcy Rule 9013-1(f), any opposition to the Motion must be in writing; must be filed with the Court and served upon the Trustee, the Office of the United States Trustee, and the Debtor at the addresses set forth below not later than 14 days before the hearing on the Motion; and must include a complete written statement of all reasons in opposition thereto or in support or joinder thereof, declarations and copies of all photographs and documentary evidence on which the responding party intends to rely, and any responding memorandum of points and authorities:

For Filing With the Court

Clerk's Office
United States Bankruptcy Court
255 E. Temple Street, Room 940
Los Angeles, California 90012

For Service on Judge Saltzman

Hon. Deborah J. Saltzman
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal
Building and Courthouse
255 E. Temple Street, Suite 1634
Los Angeles, CA 90012

For Service on the Trustee

Peter J. Mastan, Trustee
550 South Hope Street, Suite 1765
Los Angeles, California 90071-2627

For Service on Office of U.S. Trustee

Office of the U.S. Trustee
915 Wilshire Blvd., Suite 1850
Los Angeles, CA 90017

For Service on the Debtor

Benjamin Heston, Esq.
Nexus Bankruptcy
100 Bayview Circle #100
Newport Beach, CA 92660

and

Michael Zeledon
5723 Nevada Ave
South Gate, CA 90280-8030

1 **NOTICE IS FURTHER GIVEN** that all hearings before Judge Saltzman offer remote
2 connection through ZoomGov. Hearing participants may view and listen to hearings before Judge
3 Saltzman using ZoomGov free of charge. Observers may monitor hearings using the ZoomGov
4 telephone audio connection.

5 **NOTICE IS FURTHER GIVEN** that there is no need to contact the Court for permission
6 to appear remotely; however, if you intend to appear in the courtroom, please notify the
7 Courtroom Deputy at least 24 hours before the hearing.

8 **NOTICE IS FURTHER GIVEN** that video and audio connection information for each
9 hearing will be provided on Judge Saltzman's publicly posted hearing calendar, which may be
10 viewed online at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/?jid=DS>

11 **NOTICE IS FURTHER GIVEN** that, pursuant to Local Bankruptcy Rule 9013-1(h),
12 failure to timely file and serve an objection may be deemed by the Court to be consent to granting
13 the Motion.

14 DATED: March 21, 2024

Respectfully submitted,

CHAPTER 7 TRUSTEE

By: /s/ Peter J. Mastan

Peter J. Mastan
Chapter 7 Trustee of the Bankruptcy
Estate of Michael Zeledon

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 550 S. Hope Street, Suite 1765, Los Angeles, CA 90071

A true and correct copy of the foregoing document described as: **NOTICE OF HEARING ON MOTION TO APPROVE ASSIGNMENT AGREEMENT BETWEEN THE TRUSTEE AND THE DEBTOR FOR THE TRUSTEE'S CONVEYANCE OF THE ESTATE'S INTEREST IN 2017 HONDA PILOT** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d), and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(S) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **March 21, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addresses indicated below:

- **Benjamin Heston** bhestonecf@gmail.com, benheston@recap.email, NexusBankruptcy@jubileebk.net
- **Peter J Mastan (TR)** pmastan@iq7technology.com; travis.terry@dinsmore.com; ecf.alert+Mastan@titlexi.com
- **United States Trustee (LA)** ustpreion16.la.ecf@usdoj.gov

____ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On **March 21, 2024** I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR(S)

Michael Zeledon
5723 Nevada Ave
South Gate, CA 90280-8030

 X Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **March 21, 2024** I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows: Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

____ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

March 21, 2024
Date

TRAVIS MICHAEL TERRY
Type name

/s/ Travis Michael Terry
Signature

ADDITIONAL SERVICE INFORMATION (if needed):

SERVED BY FIRST CLASS U.S. MAIL

APPLE CARD / GS BANK
PO Box 6112
Lock Box 7247
Philadelphia, PA 19115-6112

Midland Credit Management
PO Box 939069
San Diego, CA 92193-9069

BARCLAYS BANK DELAWARE
PO Box 8803
Wilmington, DE 19899-8803

Northstar Location Services
4285 Genesee St
Buffalo, NY 14225-1943

JPMORGAN CHASE BANK NA
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

SHELLPOINT MORTGAGE
75 Beattie Pl Ste 300
Greenville, SC 29601-2138

DOWNEY FEDERAL CREDIT UNION
8237 3RD ST
DOWNEY CA 90241-3757

TRANSFORM CREDIT INC
1440 W TAYLOR ST, # 431
CHICAGO IL 60607-4623